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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/203,672	12/01/1998	JIANGTAO WEN	Q48591	4494
7590	08/11/2005		EXAMINER	
SUGHRUE MION ZINN MACPEAK & SEAS 2100 PENNSYLVANIA AVENUE NW WASHINGTON, DC 200373202			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

}

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/203,672	WEN ET AL.	
Examiner	Art Unit		
Shawn S. An	2613		

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 June 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 11-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 11 and 14 is/are rejected.

7)  Claim(s) 12 and 13 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . .

## DETAILED ACTION

### ***Response to Amendment***

1. As per Applicant's instructions as filed on 6/27/05 as Paper 42, claims 11 and 14 have been amended, and claims 1-10 have been canceled.

### ***Response to Remarks***

2. Applicant's arguments with respect to amended claims as above have been carefully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,097,842)

**Regarding claim 11,** Suzuki et al discloses a method for transmission comprising:

generating an extended code (COD) field representing a coding state of the information (Fig. 40A, COD); and

including in the extended code field, a bit stream indicating whether both a MV and a DCT value are not encoded (col. 33, lines 54-60), whether both the MV and the DCT value are encoded (col. 35, lines 1-8), and whether only the MV is encoded (col. 34, lines 31-40; col. 35, lines 1-3), wherein the extended code field is used in H.263 or MPEG-4 encoding standards (col. 34, line 35).

Suzuki et al does not particularly disclose the COD field having a bit value of "11" indicating neither the MV nor the DCT value being encoded, the COD field having a bit value of "00" indicating both the MV and the DCT being encoded, and the COD field having a bit value of "01" indicating only MV being encoded.

However, Suzuki et al does disclose a code field having a bit value of "00" indicating neither the MV nor the DCT value being encoded, the code field having a bit value of "11" indicating both the MV and the DCT being encoded (col. 35, lines 3-8), and the code field having a bit value of "10" indicating only MV being encoded.

Therefore, it would have been considered obvious design choice to a person of ordinary skill in the relevant art employing a method for transmission as taught by Suzuki et al to modify the labeling (changing the sequence of code fields) of the code fields such that the COD field having a bit value of "11" indicates neither the MV nor the DCT value are encoded, the COD field having a bit value of "00" indicates both the MV and the DCT are encoded, and the COD field having a bit value of "01" indicates only the MV is encoded, as long as the functions, in which the COD fields represent, remain substantially the same.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,097,842) in view of Pandel (5,719,631).

**Regarding claim 14,** Suzuki et al discloses a method for transmission comprising:

generating an extended code (COD) field representing a coding state of the information (Fig. 40A, COD); and

including in the extended code field, a bit stream indicating whether both a MV and a DCT value are not encoded (col. 33, lines 54-60), whether both the MV and the DCT value are encoded (col. 35, lines 1-8), and whether only the MV is encoded (col. 34, lines 31-40; col. 35, lines 1-3), wherein the extended code field is used in H.263 or MPEG-4 encoding standards (col. 34, line 35).

Suzuki et al does not particularly disclose encoding only MV when motion of an image is constant.

However, Pandel teaches a coding apparatus/method comprising encoding only MV (Fig. 2, 28) when MV of a picture block is similar enough to the compared MVs (27). In other words, if MV of a picture block is similar enough to the compared MVs, then the motion of an image is considered constant. Conversely, if MV of a picture block is not similar enough to the compared MVs, then there is an occurrence of a motion in an image.

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a method for transmission as taught by Suzuki et al to incorporate the Pandel's teaching as above for encoding only MV when motion of an image is constant in order to reduce amount of bits required for encoding video pictures/frames.

#### ***Allowable Subject Matter***

6. Claims 12-13 are objected to as being dependent upon rejected base claim 11, but would be allowable: if claim 12 is rewritten in independent form including all of the limitations of the base claim 11 and any intervening claims.

**Dependent claim 12** recites a novel feature, wherein the prior art of record fails to anticipate or make obvious the novel feature.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in a condition for allowance.

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 571-272-7324.

8. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Please note new fax number.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SHAWN AN**  
**PRIMARY EXAMINER**

8/10/05